

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARNULFO G. MARQUEZ,

Plaintiff,

v.

JOSHUA GAMOS,

Defendant.

Case No. [19-cv-07583-SK](#)

**ORDER TO SHOW CAUSE FOR
FAILURE TO PROSECUTE**

On February 24, 2020, the Court held an initial case management conference. At the case management conference, the Court noted that the summons was returned unexecuted by United States Marshall Service and that it was ultimately Plaintiff's responsibility to ensure that Defendant is served. Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). The Court must extend the time for service "if the plaintiff shows good cause for the failure." *Id.* However, to date, Plaintiff has not moved to extend the deadline under Rule 4(m).

The Court scheduled a further case management conference for April 27, 2020 and again reminded Plaintiff of his obligation to serve Defendant. (Dkt. No. 13.) Upon Plaintiff's request, the Court continued the further case management conference to June 8, 2020, and Plaintiff's obligation to file a further case management statement to June 1, 2020. Because of the Covid-19 pandemic, the Court allowed all parties to appear via telephone and provided specific information about how to participate via telephone. (Dkt. No. 17.) Plaintiff failed to file a further case management statement and failed to appear for the case management conference.


Therefore, the Court HEREBY ORDERS Plaintiff TO SHOW CAUSE why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

1 Plaintiff shall file a written response to this Order to Show Cause by no later than July 13, 2020.
2 Plaintiff must explain in written response why he did not file a case management statement or
3 appear for the case management conference by telephone and what efforts he has made to serve
4 the Defendant after the summons was returned. Plaintiff is admonished that, if he fails to file a
5 response to this Order to Show Cause by July 13, 2020, the Court will reassign this matter and
6 issue a report and recommendation that this matter be dismissed for failure to prosecute.

7 The Court advises Plaintiff that the district court has produced a guide for *pro se* litigants
8 called Representing Yourself in Federal Court: A Handbook for Pro Se Litigants, which provides
9 instructions on how to proceed at every stage of your case, including discovery, motions, and trial.
10 It is available electronically online (<http://cand.uscourts.gov/prosehandbook>). The Court further
11 advises Plaintiff that he also may wish to seek assistance from the Legal Help Center. Plaintiff
12 may call the Legal Help Center at (415) 782-8982 for a free appointment with an attorney who
13 may be able to provide basic legal help, but not legal representation.

14 **IT IS SO ORDERED.**

15 Dated: June 15, 2020



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17 SALLIE KIM
18 United States Magistrate Judge
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